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7 Attorneys for Plaintiff Ox Labs Inc.

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION
11

12 OX LABS INC., a California
13 Corporation,

14 Plaintiff,

15 vs.

16 BITPAY, INC., a Delaware
17 Corporation, and Does 1-10,

18 Defendants.
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Case No. CV 18-5934-MWF(KSx)

**PLAINTIFF OX LABS INC.'S
PROPOSED SPECIAL VERDICT
FORM**

Pretrial Conf: November 18, 2019
Time: 11:00 a.m.
Dept.: 5A

Trial: December 3, 2019

SPECIAL VERDICT FORM

We answer the questions submitted to us as follows:

1. Did Ox Labs own or have a right to possess the 200 Bitcoins it mistakenly credited to BitPay's account?

_____ Yes _____ No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. Did Bitpay substantially interfere with Ox Labs' property by knowingly or intentionally refusing to return 200 Bitcoins after Ox Labs demanded their return or by selling the 200 Bitcoins without Ox Labs' authorization?

_____ Yes _____ No

If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

3. Did Ox Labs consent?

_____ Yes _____ No

If your answer to question 3 is no, then answer question 4. If you answered yes, stop here, answer no further questions, and have the presiding juror sign and date this form.

1 **4. Was Ox Labs harmed?**

2
3 _____ Yes _____ No

4 If your answer to question 4 is yes, then answer question 5. If you answered no,
5 stop here, answer no further questions, and have the presiding juror sign and date
6 this form.

7
8 **5. Was Bitpay's conduct a substantial factor in causing Ox Labs'**
9 **harm?**

10 _____ Yes _____ No

11
12 If your answer to question 5 is yes, then answer question 6. If you answered no,
13 skip to question 14.

14 **6. Was it reasonably foreseeable to a prudent person, having regard**
15 **for the accompanying circumstances, that injury or damage beyond the fair**
16 **market value of 200 Bitcoins at the time of the conversion would result from**
17 **BitPay's acts?**

18
19 _____ Yes _____ No

20
21 If your answer to question 6 is yes, then answer question 7. If you answered no,
22 skip to question 8.

23 **7. What amount of special damages should be awarded to Ox Labs?**

24
25 \$ _____

26 Answer question 8.

1 **8. On which date did the conversion take place?**

2
3 _____
4 Answer question 9.

5
6 **9. What was the fair market value of 200 Bitcoins on the date of**
7 **conversion?**

8 \$ _____
9

10 Answer question 10.

11
12 **10. How much should be Ox Labs be compensated for its efforts to**
13 **retrieve its property from BitPay before this lawsuit?**

14
15 \$ _____
16

17 Answer question 11.

18 **11. Is BitPay committing a continuing violation by refusing to return**
19 **Ox Labs' property?**

20
21 _____ Yes _____ No

22 If your answer to question 11 is yes, skip to question 14. If you answered no,
23 proceed to the next question.
24
25
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1 **12. Did Ox Labs prove by a preponderance of the evidence that it did**
2 **not discover, and did not know of facts that would have caused a reasonable**
3 **person to suspect, BitPay’s wrongful acts before July 6, 2015?**

4 _____ Yes _____ No

5
6 If your answer to question 12 is yes, answer question 13. If your answer to
7 question 12 is no, stop here, answer no further questions, and have the presiding
8 juror sign and date this form.

9 **13. Was Ox Labs negligent in failing to discover the basis for its**
10 **claims before July 6, 2015?**

11
12 _____ Yes _____ No

13
14 If your answer to question 13 is no, answer question 14. If your answer to question
15 13 is yes, stop here, answer no further questions, and have the presiding juror sign
16 and date this form.

17 **14. Would it be unjust for BitPay to retain the 200 Bitcoins that Ox**
18 **Labs mistakenly credited to BitPay’s account?**

19
20 _____ Yes _____ No

21 Answer questions 15-18.

22
23 **15. Should BitPay return 200 Bitcoins to Ox Labs?**

24
25 _____ Yes _____ No

1 **16. Should BitPay provide 200 Bitcoin Gold to Ox Labs?**

2
3 _____ Yes _____ No

4 **17. Should BitPay provide 200 Bitcoin Cash to Ox Labs?**

5
6 _____ Yes _____ No

7 **18. Should BitPay provide 200 Bitcoin SV to Ox Labs??**

8
9 _____ Yes _____ No

10 Answer question 19.

11
12 **19. Enter the number the Judge will tell you, which is the amount of**
13 **prejudgment interest to be awarded.**

14
15 \$ _____

16
17
18 **Signed:** _____

19 Presiding Juror

20 **Dated:** _____

21
22 After the verdict form has been signed, notify the bailiff that you are ready to
23 present your verdict in the courtroom.

1 Dated: November 4, 2019

Respectfully Submitted,

2 LEIDER + AYALA-BASS LLP

3 By: /s/ Philip. A. Leider

4 Philip A. Leider

5 Attorneys for Ox Labs Inc.

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CERTIFICATE OF SERVICE

I certify that counsel of record, listed below, is being served on November 4, 2019, with a copy of this document through the CM/ECF Filing System as identified on the Notice of Electronic Filing dated November 4, 2019.

/s/ Anahit Samarjian
Anahit Samarjian

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